

## FARMINGTON CITY COUNCIL MEETING

Tuesday, December 17, 2013

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### WORK SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal, Jim Talbot and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Development Director David Petersen, Associate Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey.*

### Review of Audit Report

**Michael Ulrich**, a Certified Public Accountant with Ulrich & Associates, shared information regarding Farmington City's audit report for the fiscal year ending June 30, 2013. Highlights included the general fund balance, the increase (or decrease) in fund balances, analysis of the budgeted amounts, revenues, property taxes, operating income, comparisons with prior years, and a debt schedule. He reported that City employees continue to enjoy working for Farmington City and said they did not discover any errors or problems.

### Ovation Homes – Preliminary (PUD) Master Plan and Schematic Plan Approval for the Cottages at Rigby Road and an Ordinance to designate the Zone for the property as LR (PUD) and to annex said property into the corporate limits of Farmington City.

**Brad Frost**, of Ovation Homes, said their original PUD proposal has 77 lots, 4 acres of open space, and a large senior living component, but they have submitted another proposal which would include 67 standard lots (10,000 square feet to ½ acre in size) and no open space. The City needs to decide if they want the open space to be available to the public or if they want the open space to be privatized. **David Petersen** distributed emails the City received regarding the original proposal of a PUD with 77 lots and 4 acres of open space, the new proposal's yield plan of 67 standard lots with no open space. The **Mayor** stated that the Council has not had a chance to review the second proposal, and he and members of the Council expressed concern regarding the fact that it was not reviewed by the Planning Commission. **Jim Talbot** said it has been the Council's practice not to act on proposals that have not been reviewed by the Planning Commission. **Cory Ritz** agreed and said it is also important for the public to see the new proposal. He and **Jim Talbot** have been fairly critical of conservation subdivisions and the option to pay a fee in lieu of open space, and this may be a situation for a combination of both. **Cindy Roybal** expressed concern about the placement of driveways, density and open space. She said Ovation Homes never presented a plan that complied with the City's ordinance. The new plan seems to be better, but the developer has not done enough to address the concerns of residents in the area. **Brad Frost** said they addressed every single item the Planning Commission requested, and he is not trying to circumvent anything. He asked for some direction of what is realistic regarding the two proposals.

## **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal, Jim Talbot and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Development Director David Petersen, Associate Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Jarom Barnes and Daniel Montgomery were also in attendance.*

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

**Mayor Harbertson** began the meeting at 7:10 p.m., and the invocation was offered by **John Bilton** and the Pledge of Allegiance was led by **Cindy Roybal**.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

#### **Executive Summary for Planning Commission meeting held Decemer 5, 2013**

The Summary was included in the staff report.

### **PRESENTATION OF PETITIONS AND REQUESTS:**

**Galen Rasmussen**, of the Government Finance Officers Association, presented an "Award of Financial Reporting Achievement" to City Finance Director/Assistant City Manager **Keith Johnson**. This is the 12<sup>th</sup> year in a row that **Keith Johnson** has earned the Award, and he thanked staff and the Mayor and City Council for their support.

#### **Review and Acceptance of Fiscal Year 2013 Audit Report**

Auditor **Mike Ulrich** said the General Fund balance is \$1,559,530 with an unassigned balance of \$1,332,506. Revenues were \$224,000 higher than budgeted, and expenditures and transfers were \$258,000 less than budgeted. The fund balance is under the 25% limit in State Code. **Mayor Harbertson** pointed out that the City is very conservative, and the departments consistently come in under budget. He thanked staff for their hard work and diligence.

#### ***Motion:***

**Jim Young** made a motion to accept the Audit Report for the Fiscal Year 2013. **John Bilton** seconded the motion which was unanimously approved.

### **PUBLIC HEARING:**

**Preliminary (PUD) Master Plan and Schematic Plan Approval for the Cottages at Rigby Road and an Ordinance designating the Zone for the Property as LR (PUD) and annexing said property into the corporate limits of Farmington City**

**David Peterson** said this is a 23 ½-acre parcel north of 1800 N and approximately 1350 W (west of Main Street) with 77 lots and 4 acres of open space (primarily along the Haight Creek draw). However, the developer recently presented another plan for a conservation subdivision with 67 lots—each lot will be 10,000 square feet or more—and the open space of 4.9 acres would be waived. The Planning Commission has not seen the new proposal, and the City Council requested that this item be continued until their meeting on Jan. 21, 2014.

***Motion:***

**John Bilton** made a motion to continue this item until January 21, 2014. **Jim Talbot** seconded the motion which was unanimously approved.

**Jim Talbot** commended the public for their input and for addressing public officials in a professional manner and said all five Council members have served on the Planning Commission in the past and understand the importance of the process. **Cory Ritz** agreed and asked the public to remember that staff and the City Council are bound by City zoning and ordinances. He encouraged them to make constructive comments and consider all aspects of the proposal. **Cindy Roybal** attended all of the Commission meetings related to this issue and wanted the public to know that even though it has been a long process, it was done the right way.

**PRESENTATION OF PETITIONS AND REQUESTS:**

**Henry Walker Homes – Additional height increase for the Avenues at Station Park**

**Eric Anderson** said the City Council adopted a zone text change specifically for this project on October 1, 2013 with four conditions. Henry Walker Homes (HWH) has met each of the conditions, and staff is recommending approval of this request.

**Leslie Mascaro**, HWH representative, said they have met the four conditions which include: (1) a 300-foot minimum between the proposed development and adjacent housing; (2) trees planted every 20 feet along the western edge of the property (at least 60 trees); (3) three different housing types; and (4) a mix of uses in the development.

**Mayor Harbertson** commended HWH for their efforts on this project. **Cindy Roybal** agreed and thanked them for designing a better product. **Jim Talbot** thanked HWH for addressing the Council's concerns and their efforts in transitioning from a more traditional subdivision to Station Park. **John Bilton** has seen many different proposals for this property, and this is the best one. **Cory Ritz** said that because it is so close to existing neighborhoods, it should preserve the rural feel in the area. He plans to vote "no" on the request because he is opposed to making exceptions for a more intense use, especially if it is controversial, and he is against this request because of the high density of the project.

***Motion:***

**Jim Young** made a motion to approve the additional height increase for dwellings along local streets in the proposed Avenues at Station Park subject to all applicable Farmington City ordinances and development standards and the conditions and findings recommended by the

Planning Commission on December 5, 2013. **Cindy Roybal** seconded the motion which was approved by Council Members **Bilton, Roybal, Talbot** and **Young**. Council Member **Ritz** voted against the motion.

## **PUBLIC HEARING:**

### **Project Master Plan for the Avenues at Station Park (Henry Walker Homes)**

**David Petersen** pointed out some of the specific changes the applicant made: the units with 5 connected units were reduced to 4, balconies on the end units were added, one of the middle units was removed, and there is a substantial amount of open space in the center of the project. The open space requirement in an RMU zone is 35% and HWH is providing 38.8%.

**Leslie Mascaro** said the Planning Commission approved the Preliminary Plat on November 14<sup>th</sup>, and their input added to the City Council's input has made a very positive impact on their Plan.

*The Public Hearing was opened at 8:05 p.m.*

**Wendy Rasmussen**, 1233 W 175 S, is opposed to this project because of its high density—10.73 units per acre. The development to the south has ½-1½-acre lots, and the transition is too drastic. It does not coincide with the General Plan, and she wants Farmington to remain a pastoral community with a rural feel. A traffic study showed that when this project is finished, there will be 1,855 daily trips which will only compound an already congested 1100 W street. The project will negatively impact the surrounding property values, and she asked the Council to deny the request.

**Janae Haycock**, 74 N Belmont Drive, agreed with the previous comments and said although the changes in the single family homes were positive, she opposes the project. She lives on the street west of this project and is concerned about pedestrian safety at 1100 W and Clark Lane. This area does not need more businesses or traffic, and although flex space may work well in an urban area, it does not feel right for Farmington.

*The Public Hearing was closed at 8:10 p.m.*

**David Petersen** explained that there is not a prescribed density because it is a form-based code which considers the form of the buildings, open space, parking, and build-to lines. 1100 W is currently a minor arterial along the County fairground property but is slated to be a 5-lane major collector. If the WDC chooses the Glover Lane alignment, 1100 W from Station Park to Glover Lane will be a key route, and Park Lane will be realigned in the spring of 2014.

**Suzanne Swanson** asked if the road widens between the fairgrounds and the edge of this new development, and **Mr. Petersen** said it will be wider on the west side and HWH will install improvements on the west. The east side has curb and gutter but no side treatments so the ROW width is still unknown. The City plans to work with Davis County to install a sidewalk on the east side. **Jim Talbot** said although the public may not agree with some of the statements made by the City Council, it is unfair to say that they are unaware of what is going on because they have spent

a great deal of time and effort to make the transition bearable. **Cory Ritz** pointed out that 1100 W simply does not function properly, and whenever there is a big event at the Legacy Events Center, the large amount of traffic makes the area unsafe, and the County needs to provide sufficient parking space. He said this is a very urban, cutting edge development which feels out of place in this location. **Dave Millheim** agreed that the traffic situation will only become worse if steps are not taken to resolve the issues, and he asked for direction from the Council to meet with Davis County officials to address the issues.

***Motion:***

**Cory Ritz** made a motion to deny the request for the reasons listed previously. There was no second and the motion died.

***Motion:***

**John Bilton** made a motion to approve the Project Master Plan for the proposed Avenues at Station Park subject to all applicable Farmington City ordinances and development standards. The applicant must follow the zone lot standards set forth in Chapter 18 and comply to the Findings for Approval as listed in the staff report. **Jim Talbot** seconded the motion which was approved by Council Members **Bilton, Roybal, Talbot** and **Young**. Council Member **Ritz** voted against the motion.

***Motion:***

**Cory Ritz** made a motion to direct the City Manager to meet with the Davis County Commission to discuss traffic, parking, and pedestrian concerns related to 1100 W. The motion was seconded by **John Bilton** and unanimously approved.

**SUMMARY ACTION**

1. Approval of Minutes from the December 3, 2013 City Council meeting

***Motion:***

**Jim Young** made a motion to approve the item on the Summary Action List. **Cory Ritz** seconded the motion which was unanimously approved.

**Street Cross-Section modification for 650 W (south of State Street) and a street vacation related thereto**

City Engineer **Chad Boshell** said after further study and input and comments from the Planning Commission and City Council, staff is recommending that the City not vacate 650 W but incorporate it into a wider park strip that fronts the charter school. They are also recommending approval of a street cross-section with one modification—a 10-12' asphalt trail which the charter school will help maintain. The modification will be a temporary measure until such time as the City needs the right of way.



***Motion:***

**Jim Young** made a motion to approve the cross section modification as recommended by the Planning Commission and not to approve the street vacation related thereto. **Cory Ritz** seconded the motion which was unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

- A request for a Park Lane Pedestrian/Bike Overpass (\$12,500,000) was submitted to UDOT last year and will be submitted again this year. Because UDOT funds are so limited, it may be several years until the project is approved, but the City must continue to raise awareness of its important projects.
- The Finance Director prepared a sales tax chart showing the three highest payees and a breakdown of the other retailers in the City. Farmington City leads the state in sales tax generation growth.
- He distributed copies of the City's Snow Removal Plan and said they received an unusually high number of calls about snow removal in west Farmington. The City's policy is to clear the major arterials first, then the hills and minor streets, and finally the flat, dead-end cul de sacs. **Cory Ritz** reported that 475 S and streets in Farmington Creek Estates were plowed very little, if at all, but trail was plowed prior to the streets. He suggested that more tickets for parking violations be issued during the winter.
- UDOT is in the final stages of installing a new signal light on State Street and 200 W. Because the City must pay for any upgrades, the Council approved \$7,522.20 to powder coat the light poles.
- The Wasatch Front Regional Council has requested a concept report related to the Park Lane Pedestrian/Bike Overpass request submitted to UDOT.

**Mayor – Scott Harbertson**

- The Mayor, **Jim Talbot**, **David Petersen**, **Eric Anderson**, and **Bob Murri** met with 13 very well qualified applicants and chose seven members and two alternates to serve on the 2014 Planning Commission.

***Motion:***

**Jim Young** made a motion to approve the list of Planning Commission appointments. The motion was seconded by **Jim Talbot** and unanimously approved.

- The Public Works Department needs additional space, a separate entrance, and a basic storage area for trailers. The Council directed staff to hire an architect to draft the plans and to obtain bids for the project.

**City Council**

***Cory Ritz:***

- The Mosquito Abatement District Board recently approved the acquisition of an adjoining piece of property for a much needed expansion of their facilities.

***John Bilton:***

- He asked for an update on a possible jail expansion, and the City Manager said he had not heard from the County.
- He appreciated **Cory Ritz's** votes on the HWH development and said this is the first form-based code in the City, and it will be interesting to observe the other components that will come about in the next few years.

***Cindy Roybal:***

- She thanked the **Mayor**, the Council and staff for the opportunity to serve on the City Council.

***Jim Young:***

- He respected **Cory Ritz'** views on the HWH issue and said sometimes cities can be victims of the laws of unintended consequences. What we did with the Avenues was not a precedent. It was a unique situation with a buffer that will not exist in other areas.

***Jim Talbot:***

- He thanked the **Mayor** and the City Council for their service and association during the past several years and their ability to freely discuss the issues with each other.

**ADJOURNMENT**

***Motion:***

**Jim Talbot** made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and unanimously approved, and the meeting was adjourned at 9:30 p.m.

  
**Holly Gadd**, City Recorder  
Farmington City Corporation

